

## COUNCIL CHAMBER

Regular Meeting

October 24, 2017

The forty-first meeting of the City Council of Charleston was held this date convening at 5:37 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media October 18, 2017 and appeared in The Post and Courier October 23, 2017 and are made available on the City's website.

### PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Williams – <i>left at 6:45 p.m.</i>	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Riegel	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Wilson	District 12

Mayor Tecklenburg called the meeting to order at 5:37 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "If you would like to join us, please, I would like to ask Councilmember Moody to lead us in an invocation and the Pledge of Allegiance."

Councilmember Moody said, "Before I start, I wanted to remind everyone about the proper way to pledge to the flag. When you say 'one nation' and everyone stops and then says 'under God', there is no comma in the Pledge of Allegiance. It's 'One Nation under God'. I know that Council has started to get it, so, let's see if we can all do it right tonight. So, if you would, follow me in prayer, please."

Councilmember Moody opened the meeting with an invocation.

Councilmember Moody then led City Council in the Pledge of Allegiance.

Councilmember Moody said, "Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you. I do want to let everyone know, if there was the very unlikely event that we needed to evacuate the building, that these are our two main doors from here, and there's one in the room to the right. Do not use the elevator if that were to occur, please use the stairs going down, and then we would all calmly exit the singular stairway out the front door."

I would like to propose to Council that we amend the agenda and add one item, and that's to ask Council to consider extending the temporary moratorium on James Island. It's set to run out next month, and the Planning Commission deferred the matter one meeting, so it was delayed. So, unless we extend the moratorium, it will end before the matter comes back to Council. So, I'd like to propose that we extend the temporary moratorium on James Island until December 31<sup>st</sup> of this year."

Councilmember Lewis said, "I move that we add it to the agenda."

Councilmember Gregorie said, "Second."

Councilmember Seekings said, "This is putting it on the agenda, right?"

Mayor Tecklenburg said, "First to amend, we have a motion to amend the agenda. Now, if Council doesn't want to put it off until later in the meeting, we can just go ahead and vote on it now to extend the moratorium until December 31<sup>st</sup>."

On a motion of Councilmember Lewis, seconded by Councilmember Gregorie, City Council voted to unanimously add the extension of the James Island moratorium to the agenda.

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "We're going to extend it to is what date, I'm sorry?"

Mayor Tecklenburg replied, "December 31, 2017."

Councilmember Seekings said, "When is the Planning Commission going to take this up?"

Mayor Tecklenburg said, "They have already taken it up, and they made a couple of modifications. Just given the timing, it doesn't come back to us until November 13<sup>th</sup>, and apparently the moratorium would have already expired. Yes, Sir."

Councilmember Gregorie said, "Just for clarification, even though we will extend it to December 31<sup>st</sup>, I think you said, right?"

The Clerk said, "Yes."

Councilmember Gregorie continued, "I would like to make sure that we still have in place the ability to extend it further, if necessary."

Mayor Tecklenburg said, "There's no prohibition in this extension that would disallow us from extending it again, if need be, but hopefully the overlay district will be in place by then."

Councilmember Gregorie said, "Thank you. The reason why I bring this up, Mayor, is I don't think that the Overlay district is the be-all end-all. When we went forward, we talked about a comprehensive approach to look at the drainage and to look at traffic and transportation. So, for me, I'm sure that this body will pass the Overlay overwhelmingly, but, there are still some issues on the Island that we need to address, and that's why I don't want the December 31<sup>st</sup> date to end it. If we can still go forward after the 31<sup>st</sup>, that's fine with me. Thank you."

Mayor Tecklenburg said, "Thank you. Can I entertain a motion?"

On a motion of Councilmember Riegel, seconded by Councilmember Shahid, City Council voted unanimously to give first reading to the following bill:

*An ordinance to amend Ordinance No. 2017-083, establishing a Temporary Moratorium on the acceptance or processing of applications pertaining to properties on James Island located in non-residentially zoned districts that exceed 4 units or 25,000 square feet, so as to extend the expiration date of the Temporary Moratorium until December 31, 2017.*

Mayor Tecklenburg said, "Next, believe it or not, I didn't have any proclamations tonight. I don't know quite what to do. We normally have three or four proclamations, but in lieu thereof, I do have a letter that I would like to share with Council that just arrived this afternoon from the Chief of the Hazard Mitigation Assistance Branch of the Mitigation Division of the Federal Emergency Management Association or FEMA. This is to inform the City that the acquisition and demolition or the mitigation program that was proposed to buy the properties at the Bridge Pointe Townhome Community has been approved."

There was applause in the Chamber.

Mayor Tecklenburg said, "This is awesome, and it's approved in the amount of \$7,775,715. The Federal share will be \$5,839,286, so we will be required to put up a 25% match from the City. We will have to bring this back to Ways and Means at a future meeting. I will note that there's a schedule of the approval, it's done over a year's time, so we'll be approving various sums over the next year. I want to particularly thank Councilmember Riegel, whose district this is in, for supporting this effort from the very beginning. The staff put this application together, over two years ago, and there was the really amazing help by our Federal partners, being Senators Scott and Graham and Representative Sanford. Then finally, on a visit just about three weeks ago, that staff and I went up to visit Governor McMaster and shared with him the plight of this grant application and how it had not been approved yet. So, I believe he helped with that. Everyone had been working on it for a long time, but I think he kind of helped us push it over the finish line. So, we're very pleased that it's been approved after a couple of years and excited that we can move forward with it."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, Mr. Mayor. I wanted to thank you and staff for your continued efforts and continued pressure on this very important issue to my constituents in District 10. This persistent flooding over the last three or four years has become a real problem, and thanks to the Mayor, we met with Mark Sanford, Senator Sandy Senn, and Representative Lin Bennett in Paul Knipper's kitchen, which had been flooded and damaged. You all saw the papers, the wonderful Post and Courier pictures. I can't thank everyone involved, I don't want to name everybody and miss somebody, but what a great, great, great effort, and I thank everyone involved. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir. Councilmember Waring."

Councilmember Waring said, "Congratulations, Mr. Mayor and everyone involved. Is this only for Bridge Pointe, or did that grant application include other addresses as well?"

Mayor Tecklenburg said, "We have a preliminary email notification that there's another grant that will cover some of the other homes that were in our original application, but this official letter that we received today is just for Bridge Pointe, but Laura's maybe correcting me."

Laura Cabiness said, "Slightly, yes. It actually has four other properties on this grant, and then there's a second grant, that we've also applied for, that was approved by the state. I expect it to come through the process, too. It's for a number of other single family homes, some of them in Forest Acres."

Councilmember Waring said, "I know there was one, in particular, involving one of our first responders, a fireman, and I think it was along the lines of a grant to help lift the house up."

Laura Cabiness said, "That's separate from these. These are all acquisitions and demolitions."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Yes, sir. Councilmember Gregorie, did you have a comment? Councilmember Riegel."

Councilmember Riegel said, "Maybe we should explain, please correct me if I'm wrong, the FEMA grants allow us to, the Federal Government, to reimburse us for 75% of the appraised value, pre-flooding, market value of the homes. The City and State will make up the remaining 25%, so our goal and hope, gentlemen and ladies, is that we'll make these people whole, and that should happen. In addition, we want to entertain, at some point, where those homes are located and possibly consider a park or green space or something like that, that we can give back to the community and utilize in that way. I just wanted to explain what the numbers meant, Mr. Mayor. Thank you, sir."

Mayor Tecklenburg said, "It was clear from the repetitive flooding that these homes had suffered year after year, that it was a bad investment for the Federal Flood Insurance Program to be paying again and again for repairs to be made to the home. I had a visit at Mayor's Night In from one of the families just this past month, and they had bought their house in early 2002 or 2003 for \$158,000, and so far, the Federal Government has paid over \$300,000 in repairs on a \$158,000 home. So, it just made all the sense in the world. I know it seems kind of extreme as mitigation to actually buy someone's property, but that's the level of repairs that were going on in these homes again and again. Our requirement will be that the structures be removed, that they be demolished, and no replacement homes ever go on the property. So, it can become a park, or it could become an additional retention area for flooding or drainage. In particular, there at Bridge Point, where you have a pretty good sizeable piece of real estate, it could become a significant drainage retention area to help with the flooding problem going forward. I view it as a good investment."

So, we have public hearings this evening, and our first public hearing is just to receive input from the public regarding next year's 2018 City of Charleston budget. Would anyone like

to be heard about our budget for next year? Yes, sir, please step forward, state your name and address.”

1. Mohammed Idris said he was pretty happy with the discussion on the budget, but it was no accident this area was called the Battery and that Charleston was below sea level. He said it was no accident that the City planned heavy development west of the Ashley River Bridge on Folly Road and planned to spend \$51,000,000 on The Citadel. He said people did not deal in a civil manner as they were unbalanced, and when they were blind, they were capable of doing foolish things. That is why they were building on Folly Road near Windermere. Since there was a Police Department, why was there a Citadel in the City of Charleston?

Mayor Tecklenburg said, “We ask everyone to keep your remarks to a limit of three minutes. Would anyone else like to make a comment about our City budget for 2018, please come forward.”

2. Alissa Lietzow, Director of Charleston Pro Bono Legal Services, was a non-profit that provided free civil aid to City of Charleston residents since 2004 and their predecessor was Neighborhood Legal Assistance Program which begun in 1967. 2017 marked the 50<sup>th</sup> anniversary of pro bono civil legal aid in Charleston. A grant request was submitted in August for review and consideration. Over the years, they had received funding from the City and had proven to be good stewards of these funds. She urged Council to consider her request for \$8,700, just to keep things in perspective.

Mayor Tecklenburg said, “What a bargain.”

There was laughter in the Chamber.

Ms. Lietzow continued and said the grant funding provided by the City for the grant year of 2017 provided seed money for their organization to create a full time attorney position dedicated to housing-related legal issues. They listened to their community and addressed their concerns. This year they were seeking funding to host educational outreach clinics at various non-profits and community sites throughout the City. These outreach initiatives hosted by Pro Bono, with the assistance of volunteer private Bar attorneys, would provide educational materials and programs to educate the City’s low income residents about their legal options.

Mayor Tecklenburg said, “Thank you very much.”

Mayor Tecklenburg said, “Please.”

Mayor Tecklenburg said, “Thank you very much. Would anyone else like to address the 2018 budget? If not, we’ll move ahead to the next item, which is a zoning matter for 445 Meeting Street.”

Councilmember Lewis said, “Mayor, we have someone standing.”

Mayor Tecklenburg said, "Someone wanted to address the budget, please come forward right now. The 2018 City of Charleston budget. Thank you. Please state your name and begin please."

3. Roslin Fields, Founder and Executive Director of Youth Empowerment Service (Y.E.S.) was there on behalf of the Board of Directors, and she thanked Council for the opportunity. While she taught in the public schools, she witnessed girls who fell through the cracks due to at-risk behaviors and a lack of guidance. Y.E.S. was birthed in an effort to reach and serve girls who were most at risk and to empower them with hope and vision through Christian principals to discover, embrace, and appreciate their self-worth, leading to healthy and productive lifestyles. South Carolina has been named one of the top five states in the nation for domestic violence and community leaders, educators and parents all agreed that in order to combat this and other negative statistics against women in our state, they had to begin early to empower girls before they reached adulthood. Y.E.S. had been doing this since 1999, reaching over 6,000 through various outreach programs. Over 95% of their program participants completed high school. A major outreach for Y.E.S. was the Annual Dream Girls Conference that was designed specifically for at-risk middle and high school minority girls, which Y.E.S. sponsored. It attracted over 1,600 minority girls, parents, girls from group homes and pregnancy centers from over 63 towns across SC. These attendees also brought revenue to the City. She asked Council to support the conference.

Mayor Tecklenburg said, "Yes ma'am, thank you very much. Would anyone else like to be heard on the budget?"

No one else asked to speak.

Mayor Tecklenburg said, "Now we will go forward to item number two, the rezoning of 445 Meeting Street. Mr. Morgan."

Christopher Morgan said, "Thank you, Mayor and members of Council. The particulars of this, as the Mayor said, is 445 Meeting Street, it's a 2.2 acre site. The request is to rezone from General Business to Mixed-Use Workforce Housing. Of course, that would include the new provision for Workforce Housing that you all approved a few months ago, which is the 20% minimum Workforce Housing for 25 years. We'll show you some images of the site, some information from the Comprehensive Plan, in just a second here. This is the site and, I'm sure you all are very familiar with it, it's the former Piggly Wiggly and Bi-Lo store on Meeting Street, to the south is the Elan Midtown, to the north is the Courier Square development under construction, and to the west is The Alley and then the U-Haul site, the aerial image here, another aerial from the southeast, street view here, the Post and Courier project under construction to the north and then another image from Spring Street. This is an image from our Century V City Plan that shows this is in the middle of an area that's designated for urban core, which calls for our densest type of development in the city. The site is also surrounded by other MU Workforce housing zonings, which are the kind of teal color. So, this is MU Workforce, this is MU as well, MU down here and MU to the north, so it's smack dab in the middle of other MU Workforce housing locations. This is an image that shows the heights that were recently approved with the new height district, which will allow for five stories at the front and eight stories at the rear. Because of the recommendations in the Century V Plan, our staff is comfortable with this and Planning Commission recommended it for rezoning as well."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter? Yes, sir."

1. Mohammed Idris said, "Would this have anything to do with Franklin C. Fetter Clinic?"

Mayor Tecklenburg said, "No, sir."

Mr. Idris said, "Okay, thank you."

On a motion by Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted unanimously to give first reading for the following bill:

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 445 Meeting Street (Peninsula) (approximately 2.2 acres) (TMS #459-09-01-045) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by 445 Meeting Street Partners LLC.*

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I just want to let Council know I have spoken to the owner of this particular property and we were in conversation back and forth that this is only the rezoning of the property, so we can do the Workforce Mix-Use only on that particular property. The community has heard about it also, because they went to Planning and Zoning when they had this approved, so they are satisfied with it. He promised me that we would get together once the plan comes up, to see what we are going to put on that particular property, to make sure they are working strictly with the community. Once that happens, it will go back to Planning and Zoning and it will be coming back here. I will be working with him to make sure that we will have things that the community needs, and that's what he's working on. So, I vote for the approval that we can go forward with this."

Mayor Tecklenburg said, "Thank you very much. Any other comments or questions? Councilmember Gregorie, then Councilmember Seekings."

Councilmember Gregorie said, "It's not just a comment. I really applaud Councilman Mitchell's effort on this one because we did meet a couple of times to get it. I think with this designation it also forwards the opportunity for affordable units. Under our new rules, it's either fee in lieu of or ex percentage of units. So, I really think it's a good thing for the community because it will provide the opportunity for affordable units in an area in which we really, really need it. So, I applaud Councilmember Mitchell's efforts on this one."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "A brief comment, thank you Mr. Mayor. This is going to be an interesting project for all of us going forward. This is really going to be the test for our new MU Zoning. It's a site that could be many things. It also, by the way, backs up to our newly, or soon to be newly, purchased Lowline. So, large scale project in the densest part of the city, adjacent to a community, and the Lowline. This is one that can really set the standard going forward for what we can do in an urban core when we're trying to do everything as a City including taking care of the food blithe in the area, making sure we have affordable housing,

building something that people can live, work and play either in or close to. It's going to be an interesting project going forward. I know the applicant's here, we're all sitting very anxiously awaiting to see what it's going to look like when it actually gets unfolded. The zoning seems to fit now, so let's see what the project looks like, bring it all to life."

Mayor Tecklenburg said, "Yes, sir. Any other comments or questions? Councilmember White."

Councilmember White said, "Mr. Morgan, it sounds like there is no intended or we have not seen any actual plans at this point as to what the site would be. But, how about what is their current intent, even if it's not on paper? Is it an apartment complex?"

Mr. Morgan said, "I think that it's not set yet and, of course, the MU allows for a range of uses, retail, of course, a whole range of retail or residential, institutional, it's pretty much all of the different uses you see in the downtown that could all be on that site."

Councilmember Mitchell said, "Mr. Mayor and my colleagues, I'm working with the developer. We are planning on having housing there, plus he's working various grocery stores and pharmacies to see what we're going to do. The plan will be coming back to the Planning and Zoning before everything is finished and we'll be going to the community. I will be working with them 100 percent to make sure that we get that back in place and that's what we're working on now, but the plan has not been submitted yet."

Councilmember White said, "I just think and, obviously, this is in Councilmember Mitchell's District, but I think it's important as we work with developers, but I just want to make a comment on MU Zoning. We get more and more of these requests to move properties out of General Business into MU, because of the high level of density that could be put on the site for housing, but when I say housing, I'm not talking about affordable housing. I'm talking about high end apartments and condos or whatever. There are two things in that: number one, as we continue to allow this level of density to increase, I said it before and I'll say it again, it's going to continue to drive the values of real estate downtown higher and higher and higher, and take it more and more outside of the realm of affordable housing, because the dirt gets so high in value. Secondly, this MU zoning, it under parks sites severely downtown and, I have said it before and I'll say it again, we need to be encouraging or I hate to use the word enforcing, property owners need to consider their park sites properly. This current zoning is in a ratio that is appropriate for being able to handle these kind of parking issues, that will occur downtown. Lastly, I get that we're going to be able to take this fee-in-lieu when we do these types of projects, but, in reality, when we do this, the fee-in-lieu is going to be used on other sites, it's not going to be here. So, I just wanted us all to remember. Again, I'm not coming down on the property owners and Councilmember Mitchell's work on this. It's in his district and I'm in support of him for that, but we just need to be very mindful that every time we change the zoning across this City, we're going away from the diversification of uses, which is the intent of what we want in a livable city. Every single project that I think that I've seen recently keeps going to the same rezoning constantly and it's just building more and more and more apartment complexes. I get that there's a need today, but at some point that need is going to slow down and we're going to have a problem with a lot of properties that are going to get caught in that limbo. So, again, I just wanted to voice my concern that as we move forward, we really need to take a much more harder look on some of these properties and when we rezone them, it's about diversity of use in our City and it's not about always just the highest and best dollar that can be attained on a piece of dirt. Thank you."



Mayor Tecklenburg said, "Would anyone else like to be heard?"

No one else asked to speak.

Mayor Tecklenburg said, "Let me just say that, given the fact that we increase the requirements for MU-2 to 25 percent for Workforce Housing, that directly addresses your point about affordability and the requirement also of MU-2 is that there be a mixed use. Isn't that right, Mr. Morgan?"

Mr. Morgan said, "Yes."

Mayor Tecklenburg said, "So, we're trying to protect that as well."

Councilmember White said, "I guess I should clarify, when I say affordable housing, it's about affordable housing not to be shipped off somewhere. It's about the affordable housing across our entire Peninsula, and people who can no longer afford to live on the Peninsula. Just because we can create a pocket of dough and go and build it somewhere else doesn't make it a perfect solution. It's about having people of all walks of life being able to live across the Peninsula, and not just being shipped off somewhere. So, I just wanted to clarify that."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "That's always been a sensitivity of mine, Councilmember White, that we don't use this program to reconcentrate the poor, that we use it to provide opportunities throughout the communities for people who need affordable housing. So, I'm in total agreement with you that, if we don't watch it, there is a possibility that we could possibly reconcentrate poverty. So, I'm there with you."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Mr. Mayor and my colleague, I hear you loud and clear, and this is one of the things that I'm very, very serious about when it comes to housing in the peninsula for people to be able to afford. That's why I said I am going to be working with the owner 100% on that and he knows exactly how I feel about it. He promised me that we're going to work together on this and have housing in there that people can afford on this Peninsula. That's why, when the system was changed to MU-2, ignore it was changed to for that purpose and because in that area you see how that area has been developed, totally different. We want a mixture of housing and a mixture of people living in all of the factors of the City of Charleston and the peninsula also. So, that's why I'm working hard on this particular project."

Mayor Tecklenburg said, "Thank you. Any further comments?"

No one else asked to speak.

Mayor Tecklenburg said, "Mr. Morgan, 2178 Coker Avenue."

Mr. Morgan said, "Yes, sir. Very quickly, this is a recent annexation and a recommendation for zoning of SR-1 on James Island."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter?"

No one else asked to speak.

On motion by Councilmember White, seconded by Councilmember Waring, City Council voted unanimously to give first reading for the following bill:

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2178 Coker Avenue (James Island) (0.48 acre) (TMS #343-01-00-046) (Council District 11), annexed into the City of Charleston September 26, 2017 (#2017-116), be zoned Single-Family Residential (SR-1) classification. The property is owned by Nicholas Witte & Katherine Riddile.*

Mayor Tecklenburg recognized Mr. Morgan.

Mr. Morgan said, "The next one is in West Ashley at 1944 Woodland Road. Again, a recommendation for a newly annexed property for Single Family Resident SR-1."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter?"

No one else asked to speak.

On a motion by Councilmember White, seconded by Councilmember Lewis, City Council voted unanimously to give first reading for the following bill:

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone map, which is a part thereof, so that 1944 Woodland Road (West Ashley) (0.24 acre) (TMS #355-10-00-064) (Council District 2), annexed into the City of Charleston September 26, 2017 (#2017-117), be zoned Single-Family Residential (SR-1) classification. The property is owned by Heather Hays & David Kauffman.*

Mr. Morgan said, "The next one is 781 Saint Andrews Blvd. This is a recently annexed office structure. The recommendation is for General Office for this site."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter?"

No one else asked to speak.

On a motion of Councilmember Lewis, seconded by Councilmember Williams, City Council voted unanimously to give first reading for the following bill:

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 781 Saint Andrews Boulevard (West Ashley) (0.36 acre) (TMS #418-10-00-080) (Council District 9), annexed into the City of Charleston September 26, 2017 (#2017-118), be zoned General Office (GO) classification. The property is owned by Kevin Shealy.*

Mr. Morgan said, "The final public hearing before you is a site that was before you last month, it was deferred, this is the Dill Tract. It's a very minor amendment to the Dill Tract to orient you to the site, and I think you all are pretty familiar with it. Folly Road is a little bit to the east and the Walmart is in this location and then George Griffith Blvd. cuts across the middle of the Dill Tract over to Riverland Drive. Over here the Charleston Museum have property to the

west on the Stono River. The First Baptist Church owns these properties here. The new church school is going here, and athletic facility is already in place. I'll show you another image that shows the City park property to the south and then other residential properties out further to the south and to the north. The request is to amend the PUD and here it is in the Comprehensive Plan that shows that the campus is a recommendation for the site. The request is to take a five acre section of the undeveloped portion of the property that First Baptist owns on George Griffith Blvd., some of which already has overhead power lines across the front of it, and use it for nonprofit office. So, instead of the low density residential that is recommended in the PUD, which is all those units are used up, instead this five acre site can be used for a nonprofit office. Given that the overall site is backing up to the school property and has other residential in the surrounding area, we felt that was a very compatible use with those surrounding uses and would be appropriate for the site. It follows the recommendations of our Comprehensive Plan and Staff and Planning Commission recommend approval. I should point out that it is a reduction in the original request from 21 acres for this use to five acres."

Mayor Tecklenburg said, "Thank you. Would anyone like to be heard on this matter?"

Mayor Tecklenburg recognized Councilmember Wilson.

Councilmember Wilson said, "Quick question. Christopher, what do you mean when you said all the units were used up?"

Mr. Morgan said, "The residential units on the Dill Tract site are used up. In other words, there were a certain number that was allocated to the Dill Tract site and those were used up with the completion of the surrounding apartment. I think the last units were built in the apartments that are immediately adjacent here."

Councilmember Wilson said, "So, if this is zoned currently for low residential, but all of the units are used up, where does that put us?"

Mr. Morgan said, "It could be institutional uses, school facilities, things like that, but with this amendment it would allow also a nonprofit office on this five-acre site."

Mayor Tecklenburg said, "But, regardless, you cannot build anymore residential units on the property at this point."

Mr. Morgan said, "Correct."

Susan Milliken said, "Mayor, I'm sorry. I missed you. I was confused, you asked for comment."

Mayor Tecklenburg said, "Yes ma'am. Please come forward."

Ms. Milliken said, "I was confused, it went so fast."

Mayor Tecklenburg said, "That's fine."

Ms. Milliken said, "I wanted to comment on this particular issue."

Mayor Tecklenburg said, "Please state your name and address."

Ms. Milliken said, "My name is Susan Milliken, I live on James Island 762 Fort Sumter Drive. This is an item that many of us have been very concerned about for a couple of months now, and I appreciate Christopher working with us and answering our questions. This, of course, is a portion of the Dill sisters parcel, or very large tract, that has been really controversial on James Island for many decades. This is some of the last beautiful wooded land in the Dill sister property. It's my understanding, from reading the 1996 Dill Tract PUD, that about 100 acres was put into a low density residential district. The First Baptist land is 40 acres in that district. So, to amend a use to add a nonprofit office in five of those acres is not something we're opposed to. But, what our concern is, is the way the draft ordinance before you is drafted. It's a matter of always feeling distrustful and when we first looked up the tax map number for this property, what we saw in Charleston County Tax Records was a subdivision of 21 acres with a different tax map number. So, you have your 40 within that low density residential district and then 20 looks to be split off, and it's confusing to us. So, five of this 21 will be for the nonprofit office use. This land is beautifully wooded, it has Live Oak grand trees, the sprawling ones with moss, you can see in there, yes they're on the big power line, but we're just so concerned about the way this is worded. In the ordinance before you it talks about a nonprofit office district and what we kept asking City Staff was, 'Why can't you not just add the use of nonprofit office to the list of uses in the low density residential district?' Just change or modify that original 1996 PUD as little as possible. So, we still just feel that this is squishy and I wish that your Legal Department would look at it closer. Also, I would urge planning to create a nonprofit office zoning because this ordinance refers to general office zoning. So, there's just a lot of things in here that worry us. It's beautiful land, where obviously grand tree removal would go before BZA and we would come and look at that closely, but I wish that you would look at this very, very closely. Thank you."

Mayor Tecklenburg said, "Thank you very much."

Mr. Blalock said, "Mr. Mayor."

Mayor Tecklenburg, "Yes sir."

Mr. Blalock said, "I should be able to answer some of those questions, I can't answer the legal questions."

Mayor Tecklenburg, said, "We'll allow you to be heard as well. Please state your name and address."

Mr. Blalock said, "Marshall Blalock and I'm from District 10 in Charleston. I serve as the Pastor of First Baptist Church. I thank you for your interest in the property. Just so you will know, our whole idea on this has been, we had 60 acres there, the church has donated 40 acres to the school, which is where the High School is being built, as part of an agreement with the City years ago to move our High School out of a high density area down here and put it on James Island with more space and more parking. The reason why that division looked that way is because we separated it out for the school to own. Our church foundation owns this property. There was never an intention of subdividing it to build anything else. We spent \$100,000 feeding those trees and so we love the trees, we think it's a beautiful place and it's a serene environment. What better place to have students to be able to walk through that neighborhood? We hope to have a cross country track going around through there so the whole community can use it. So, we're totally sympathetic with your concerns. This came because one of our church members volunteers for Happy Days, and said 'I'd like to build an office space for Camp Happy Days'. We carved out that five acres because there was concern, if we zoned the whole 21

acres for office space, it might create suspicion, and I understand that perfectly. So, we cut it down to five to mitigate those concerns. I'm standing here before you today saying it's just for nonprofit offices and Camp Happy Day's and maybe another compatible organization that joins them there in space. It was simply an act to try and help and we felt it was compatible with the spirit of the PUD and, I would imagine that the Dill sisters would be happy to have Camp Happy Days on that property."

Mayor Tecklenburg said, "Thank you sir. Would anyone else like to be heard on this matter?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just very briefly, first I want to thank Mr. Blalock for coming, never has someone been in so many fire fights over school is than Mr. Blalock, downtown over to James Island. I think all of this is probably consistent with everything that is going on in James Island including us looking at densities, you all having a school there, but this goes back to one of the things that sort of gets under my skin a little bit, and that is the amendment of PUDS. The whole idea of PUDS is that they're supposed to be there in place and perpetuity. This is a good amendment, but, again, when people bring PUDS to us they're supposed to be forever and this is changing a little bit. I do think, for those of you on James Island, you're getting a lot of good stuff going on over there and if you do have a cross country track over there we all would like to come over there and take a little run on it, so it would be awesome. Just amendment of PUDS, problematic, but this one is probably the right thing to do."

Mayor Tecklenburg said, "Are there any other comments or questions from Council?"

No one else came forward.

On a motion of Councilmember Waring, seconded by Councilmember Gregorie, City Council voted unanimously to give first reading for the following bill:

*An ordinance to amend ordinance 1996-008 (Dill Tract PUD Master Plan & Development Guidelines) by amending the permitted uses for the Dill Tract Low Density Residential District to allow not-for-profit office as a permitted use. (AS AMENDED)*

Mayor Tecklenburg said, "Next, is approval of our City Council Minutes from October 10<sup>th</sup>."

Councilmember Gregorie said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Madam Clerk, I just want a clarification on these minutes. I couldn't really tell a couple of things, I'm not trying to add any more work, I know you do a great job, but when we have people walking out of the room and back in and we vote, that doesn't always, from what I'm seeing, show up."

The Clerk said, "If they're out of the room, their vote indicates that they were not present."

Councilmember Moody said, "So, you wouldn't say unanimous. I was trying to figure out."

The Clerk said, "The statement would say, it would be unanimous for those that are here, then we would say 'Councilmember so and so did not vote on the item.'"

Councilmember Moody said, "I didn't see where it said they were absent or not present in the room because it seems like it used to, you would say if someone left."

The Clerk said, "Right, we used to do it every time and they would go for two and three minutes and come back, so we stopped doing that. If they are out at the time of a vote, then we indicate that they were out during the vote."

Councilmember Moody said, "I guess I was having some issue with people leaving the room, not listening to a conversation, and then maybe coming back and voting or not voting. I mean, seems to me like the minutes ought to be a little more reflective of what's going on in the meeting. I'm not trying to put anything on you."

The Clerk said, "Every time they were leaving the room, usually everybody knows where they're going."

Councilmember Moody said, "I'm not asking you to put a reason why they left."

The Clerk said, "Is it the time, is that what you're talking about?"

Councilmember Moody said, "Yes, Thank you."

Mayor Tecklenburg said, "Before us is the approval of the minutes."

On a motion of Councilmember Gregorie, seconded by Councilmember Lewis, City Council voted unanimously to approve the minutes of the October 10, 2017 City Council meeting.

Mayor Tecklenburg said, "Next, is our Citizens Participation Period, we've got 12 folks signed up. So, we'll allow two and a half minutes per person and first is Roslin Fields. Is Roslin Fields here?"

The Clerk said, "She signed up on the wrong sheet."

Mayor Tecklenburg said, "Mohammed."

1. Mohammed Idris put a 1991 article from the Post and Courier on the Councilmembers' desks where the Police Department was recognized when Reuben Greenberg was the Police Chief. Mr. Idris said he came up with the idea of recognizing the Police Department and the City of Charleston for the good work they had done working with all ethnic backgrounds. Further, he was falsely arrested and his name had not been cleared, but he would continue to fight to do

so because it was a shame what the City had done to him. He gave them the solution to many of the problems, but the City's level of understanding was blinded because they kept doing the same things over and over again expecting better results.

2. Marc Knapp said, with regard to traffic coming into town, that the lights were still not synchronized. He doesn't know who was running this but they needed to be replaced. A lot of money was spent at the end of Glenn McConnell to make two lanes turn left onto Bees Ferry. The reason for that was because people were going down the right lane to get sneaking in, and the real problem was that there was enough room there to turn two lanes into three lanes. He wanted to know why it was redirected to two lanes. He said there was a problem with being constantly accosted every time a certain Councilmember saw him because of some of the things he brought up about not living in the district, and he was at the point where he may obtain a restraining order.
3. Joseph Matthews said there were some things going on in the Recreation Department that he felt needed to be brought out. He has worked with the kids for 37 years to give them a chance to be able to go somewhere in life by teaching them how to become young men and young women. Mr. Matthews sent a letter and spoke to the Recreation Director about an incident where a coach was ejected by a referee at a recent game and, when questioned, no reason was given. He believed the referee had something personal against the coach. It bothered him because it was hard to get young men to come out and work in the community trying to give back. He said they had to be able to see the good in trying to help the young men and women to become good citizens. He felt like this coach was targeted. He asked Council to read the letter and look into the matter.
4. Skip Hoagland said for years he had fought a very public battle with Destination Marketing Organizations called City DMOs, including Charleston. The basis for his fight was transparency and he hoped Council agreed that DMOs, publicly funded by Accommodation taxes, should be transparent about how they spend the millions of dollars they receive each year from local governments, such as Charleston. The problem was Helen Hill and lawyer, David Jennings, fought hard to avoid financial records disclosure with lame, fraudulent excuses that the CVB was fully transparent to the City and even its members and this was a lie. He won a landmark case against a Hilton Head Chamber CVB which served as a DMO for Hilton Head. The Judge made it crystal clear because a CVB Chamber received public funding, it's a public body under FOIA and must comply and open its books. The CVB Chamber refused the court ruling and appealed the case to the Supreme Court, which he attended a couple days ago. Helen Hill and David Jennings agreed to comply to the FOIA if he sent them \$2,500. When he asked for more documentation, they refused and sent his check back. All taxpayers have a right to know how Helen Hill spent every dollar perhaps, over the years, exceeding \$100 million with zero oversight by Council or anybody in this City. Council must follow the Reagan principle, trust but verified with a forensic audit to know what Ms. Hill had been hiding. To end, Council was in violation of procurement laws, they had not signed DMO contract, and Council was allowing unconstitutional misuse of tax funds violating IRS laws and allowing unfair competition to the taxpaying companies and local media in this City by Helen Hill.

He handed out the Palm Beach CVB Audit that resulted in prison for \$1.6 million in embezzlement as well as articles on the FBI raid on the Berkeley County, South Carolina DMO and the school CFO found guilty of \$400,000 in theft.

5. Reverend Charles Heyward said he lived in Councilmember Wilson's District and wanted to remind Council of the police audit. When they last met, they looked forward to the Public Safety Committee meeting and they wanted that to take place before the Council meeting so that Council, CAJM, and the community would be clear about where they are. The Public Safety Committee meeting had not taken place yet but they looked forward to being at the table, when it did take place, to continue to participate in the discussion and get a clear understanding of the scope of work that was supposed to be done regarding the police audit, as well as the cost. They wanted to encourage Council to be diligent and determined that the fiscal resources of this effort got underway and were done by a qualified firm and the fiscal responsibility in paying for it was also managed, in terms of protecting the taxpayers' money.
6. Reverend Danny Reed was the Minister of the Unitarian Church in Councilmember Seekings' District and an active member of the Charleston Area Justice Ministry. A few weeks ago CAJM had met with Novak and RTI and had since given them and Council a scope of work. They were meeting with Novak next week to further discuss the scope of work but this process was entirely backwards. Never before had this Council hired someone without first giving them a clear scope of work of what they would be asked to do and never before had a contractor been hired to do a job they had never done before, so they must continue to ask why corners were being cut to address racial bias. Novak and RTI had never done an in depth audit for racial bias, never looked beyond data, and gave recommendations for improvements. Additional consultants, who were police auditing experts, were still needed to give this project credibility and there was still time to get this right.
7. Edward Jones said he was the founder of the Concerned Citizens on the Peninsula of the Lowcountry. Council needed to realize that kids come to them for more than just coaching and they had become father figures to the young men and women, people that they could lean on and depend on. Last week, a 17-year old was buried, Sunday, another 17-year old was shot and ended up at MUSC and not sure if he would make it or not. These coaches had paid their debt to the City, so why did they constantly have to keep going through the same thing? It was up to Council who they elected as their voice. So, they shouldn't have to be attending every meeting or every other saying the same things. Re-election was coming up again and he asked Council, as public servants, to step forth and do what they asked them to do. They had to deal with this, they had to pick up kids from the area and take them someplace to try to fill in for the parent. This was serious business. He was going to support Coach Larry Boyd in every effort that he did. Something needs to be done today.

Councilmember Williams left the meeting at 6:45 p.m. He was not present for any remaining votes.

8. Joan Hazelton said she lived at 3 Limehouse Street and she asked the Councilmembers to defer a vote on K-4 addressing the residential parking. She believed the ordinance was confusing and contradictory and had unintended



consequences that were very negative for residents and taxpayers. More importantly, this amended ordinance was not attached to the agenda. It was not on the City website and there was lack of proper public notice, so she asked that Council defer this vote.

Mayor Tecklenburg said, "Thank you."

The Clerk said, "I've talked to Legal about this. It's true that the paper item was not on the agenda. It was inadvertently left out of the agenda, but everything was advertised, and the line item indicated that it was going to be amended. It was amended on the floor of Council. You amended it at the last meeting. So, that's the true story, the paper document was not on the agenda. The line item was on the agenda, and all of the requirements were met."

The Assistant Clerk said, "It's K-3 that's amended, not K-4."

The Clerk said, "Yes, she's talking about K-3. K-3 and K-4 are the ones that she was interested in. She is speaking on K-3."

Mayor Tecklenburg said, "Thank you very much. Next, we'll go to our Committee Reports. License Committee is first, Chairman Gregorie."

Lindsay Hamrick said, "I didn't get a chance to sign up on the Participation Period, but I was going to take someone else's time, if that's okay."

Mayor Tecklenburg said, "We don't transfer time anymore, but we will allow you to come forward and address Council. Please come forward."

Ms. Hamrick said, "Thank you."

Mayor Tecklenburg said, "Please state your name."

9. Lindsay Hamrick addressed Council regarding Save James Island and accusations that were being made that it was a special interest group. Save James Island was made up of a large group of people who were concerned about the quality of life and livability on James Island. Some elected officials were quoted as saying something like, 'James Island residents who don't live in the City shouldn't try to influence City elections'. She thought that was unfair and offensive. The decisions made by Council impacted the lives of all James Islanders, not just those in the City. Two-thirds of the James Island population and land was in the City. They wanted to be able to safely cross Maybank Highway to the Farmer's Market, but the inadequate crosswalk and traffic signal were owned by the City. She didn't want 150 apartments built on Central Road at an intersection she used daily, but she did want a cohesive planning effort for James Island involving all four municipalities. She expected that the elected officials of any local body would be sensitive to the needs of everyone who called Charleston home, not just the special interest of City residents.

Mayor Tecklenburg said, "Thank you very much. Now, to the Committee Report for License Committee, Chairman Gregorie."

Councilmember Gregorie said, "I move that we approve the amendments to the ordinance."

Councilmember Seekings said, "Move for approval."

Councilmember Mitchell said, "Second."

The Clerk said, "Mayor, are you skipping Petitions and Communications?"

Mayor Tecklenburg said, "I did skip the Petitions and Communications. Sorry about that, I didn't mean to. You all want to finish this one Committee Report, and then we'll go back?"

Councilmember Mitchell said, "Yes, we can go back."

Mayor Tecklenburg said, "Okay. So, we already have a motion to accept the report. Is there any further discussion on the report, Mr. Chairman?"

On a motion of Councilmember Seekings, seconded by Councilmember Mitchell, City Council voted unanimously to adopt the License Committee Report as presented:

---INSERT LICENSE COMMITTEE REPORT---

- a.) An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2018.
- b.) Consider the appeal of a Business License Penalty - Dr. Larry J. Ferguson, DMD (INFORMATION ONLY)

First reading was given to the following bill:

*An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2018.*

Mayor Tecklenburg said, "Now, we'll go back to Petitions and Communications. Thank you very much. The first is a request by Councilmembers Gregorie and Wilson to have a discussion regarding a \$100 million drainage funding strategy. Councilmember Gregorie or Wilson, who would like to lead?"

Councilmember Gregorie said, "I'll start, and I know it looks as though it's the Wilson/Gregorie hour under Petitions and Communications, but we probably won't take that long. This is exactly a strategy that we would like to inform our fellow Councilmembers about and the Mayor. We know that raising \$100 million would require us to identify the revenue in order to support \$100 million, and Kathleen and I, with some advice from other colleagues, have come up with a proposal whereby we think, through bold leadership, we can achieve this. In order to support \$100 million, we have to identify about \$8.1 million in revenue in order to support it. The question is, 'Where do you get that revenue?' We have some suggestions for this Council at some point to consider. This is just a strategy. We know that we currently have about 4 mill of bonding capacity in our stormwater drainage revenue and, with 4 mills, if we were to implement it, we're already at \$4.1 million toward the revenue needed in order to support the \$100 million. We also know that we have approximately around \$32 million in our stormwater

funds, in addition to what we may have set aside in A-Tax (Accommodations) and H-Tax (Hospitality). So, in order for us to achieve the \$8.1 million revenue, we think that we should start talking about increasing millage currently by four mills, and we should increase the stormwater fee, which has not been increased in 11 years. We also think that we should approach the State to increase the A-Tax by one percent, the H-Tax by one percent, and, of course, something that we all have been talking about, well, not we all, but I've been talking about, and that's placing a head tax or a head fee on our cruise ship passengers. While we know that fee is not bondable because the cruise ship industry can leave at any time, in the interim, with about 200,000 passengers annually, it could at least afford us about \$2 million that we could use for infrastructure. We also think that we should focus on our TIF Districts and assure that our TIF Districts also use funds for drainage similar to what we're attempting to do with the Huger Street, King Street drainage problems.

Now, we're not talking about, and I think it was Councilmember Williams who wanted to know whether or not we were talking about any specific projects at this time. We're not, we're just trying to come up with a strategy whereby we can address some of the flooding problems that have plagued many of our communities and some of those problems are just simply taking care of the ditches. There is no excuse for anybody's home to be flooded because the ditches aren't maintained or there are not repairs done to the ditches. In some cases, we need to increase the size of the piping to show that we have the proper downflow. Those kinds of projects will not cost us the hundreds of millions of dollars that many of the projects on the Peninsula will cost us. Those are things that we hope, if we move forward with this strategy, that we would be able to deal with some of the problems on Johns Island, West Ashley, and, of course, James Island, which are just simple fixes to the ditches. We also think that it's possible that this would go pretty far to helping with the seawall that we need on the Battery. We know also that staff is involved in trying to get grants, grants from Federal agencies. In fact, we just heard of one recently from FEMA which is going to assist us. There are a number of other Federal grants and, of course, our Public Service Director is aware of them, and I'm not going to go through that list, that would help us along, but we're talking about trying to identify revenue so that we can establish a revenue bond to raise as much as \$100 million to be available for drainage in the City. We also know that some of what we're talking about is pretty obvious. In fact, the Mayor and I have talked about the four mills, and the fact that that does exist, but I do think that, if we're very serious about the flooding in our City, about seawall rise, as a legislative body, I think we have to start thinking outside the box and stop talking about things and to start some movement in a direction so that we can, in fact, have the revenue stream necessary to eradicate some of the problems that we have for flooding. I'm not attempting to oversimplify it at all because it is going to take some movement and some bold movement from this body to make it happen, but I do think it's something that we need to consider strongly. There are other revenue sources from the State, we've got the SIB, and we've got \$600 million that's going to come in from the half-cent sales tax. So, there are a number of resources, potential sources, where we may be able to get dollars, but we need to get at least \$8 million in revenue in order for us to be able to do a \$100 million bond. It's open for discussion, folks. I may not be able to answer all of the questions, but we have not had a rate increase in 11 years with regard to our water and sewer. I also think that's potentially a rich place for us to be able to get additional revenue in order to support \$100 million bond referendum. Discussion?"

Mayor Tecklenburg recognized Councilmember Wilson.

Councilmember Wilson said, "This is a first cut. Somebody has to stand up and at least give the first draft and quantify some of these sources that we have talked about, and there's been a lot of talk over the years, regardless of what you think about cruise ships and those

related matters. We have talked from time to time about a head tax, and it's not one of those things that instituted without a firm pot of money in which to fund. This may be the perfect allocation for something like that but, again, these ideas warrant a little flushing out and a wholehearted discussion."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I'm going to defer to Councilmember Moody."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I was just going to talk about a couple of the issues you mentioned. Number one, I guess it was two years ago, maybe three, that we increased the stormwater millage by 2 mills, we went from 2 mills to 4 mills. One of the things that I've noticed over the years that this City does, and we don't get credit for it, but we do it, and that's the LOST money, the Local Option Sales Tax. We do what none of the other cities around here do; they don't do it the same way. State Law requires that 60 percent of that money goes to reduce property taxes. The other 40 percent can go into General Revenue of your General Fund. The City of Charleston has always taken 100 percent of that Local Option Sales Tax and put it into tax reduction. So, when we raise the mills by two mills, and a mill is about \$1,000,000 that it brings in. When we did that, that 2 mill tax increase within two years was eliminated by the increase of the Local Option Sales Tax. So, my point is that we could raise that thing 2 or 4 mills and with the growth of our City and sales tax, the taxpayers are really getting a break. So, it makes us go to the taxpayers and explain what we're doing with their money, but that's one thing. The other thing is this, you mentioned 11 years on the stormwater, the usage fee, and what that does is that makes all of our not-for-profits that are in this City bear some of that cost. The Medical University, Roper, the College, Citadel, all of those not-for-profits that are out there using our facilities, and some of them are raising a lot of Cain about why they can't get to work, that's something that they pay, and so they don't pay property taxes, but they do pay that. So, again, those folks have a break over here, so it may be time for them to step up a little bit. So, I encourage you to look at that Local Option Sales Tax and maybe try to push that a little bit to look at what that relationship is and also that 11-year hiatus on not raising that, I think is a good source, and we could get there fairly quickly because we have, I don't think there's any district, any district in the 12 around this table, since they all belong to the Mayor, they're all his problem. I could start down in District 11 and start telling you William Ackerman Boulevard and just tell you the streets that are flooding at a high tide. You're exactly right, you didn't go completely where I would've gone. There's no reason in this City for a house to be flooded because the pipe is undersized or the ditch is not maintained, it's both, and so that's where this money needs to go, and if we're serious about drainage, we'll do something about it. Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor, and I thank Councilmembers Gregorie and Wilson for bringing this up but, obviously, we are all in this together, and we've had some discussions, Mr. Mayor, on this, and you, and we, and all of us will need help with this. Because, number one, to identify, the debt service on this, I think, is about \$5.7 million. The \$8.1 is the 30 to 40 percent overage on drainage bonds, the coverage ratio. It's not going to be that hard, I think, with all of us pushing in the right direction, obviously, with your leadership, Mr. Mayor, that we get a comprehensive drainage solution to accumulate that payment on \$100 million worth of bonds, and that's if you use the numbers based on a four

percent interest on a 30-year bond. So, for Ms. Wharton over there, I think that would be the numbers hypothetically, and right now, we may be able to get less than 30 percent. We're going to need some help, as we discussed, Mr. Mayor, from our State delegation, our members of the House and General Assembly, because if there is going to be an increase in the Hospitality or A-Tax, that's has to come through the State. If we're going to get, what was it, \$10 per head?"

Councilmember Gregorie said, "Yes."

Councilmember Waring continued, "Increase on the tour people, as you and I discussed, it's going to be push back on that. So, this is something we're going to have to be united, but when it comes to getting monies from Washington or everybody else, if the question were asked, have we put forth our best efforts? We have not had that comprehensive discussion that we've talked about with our pools, we haven't had that comprehensive discussion that would bring the best practices and out-of-box ideas. For example, the LOST Revenue that you spoke about, I think Amy said it's like 90 percent that we actually use, it's not quite 100 percent, but still no other municipality in this region uses as much money as we do to reduce property taxes. But, with three major flooding events in three years and, actually we need to add another one: there was about a five and a half inch rain that we got in 2015 before the 1,000-year rain event that put people out of their homes. It was just, we got like five and a half inches in like two or three hours on a high tide. So, it's really been four flooding events in four years that put people out of their homes in some cases, and they keep doing it the same way, and we know the definition of insanity. We keep doing the same thing the same way, and they expect a different result. It's insane. So, if the litmus test is what did you do to pull yourself up by your own bootstraps, the LOST revenue is one, an additional one is, and I know we like the additional greenspace and all by the Battery, and again, this is a joint discussion with 13 people in here. The greenspace at the Battery, if we were to meter the parking down there, we may be able to generate, I don't know, a half million a year that could go towards bonding and funding to help raise the wall down there. Greenspace, maybe we can get that later on but, obviously, expediting raising the wall certainly makes sense. I think, out of every \$1 million or so based on that calculation in cash flow, you raise about maybe \$15 million in bonding capacity. It gets us to where we need to be sooner. So, hopefully we have 13 people pushing in the same direction. There may be some other rocks out there, but we all need to put our hard hats on because a lot of people are going to push back, the State Ports Authority, I don't know, the CVB, and people who go and fish for free and park for free at the Battery will push back. If we don't do anything different, we won't generate any additional revenues, and the problem that we have right now is larger than our stormwater budget. To be able to clean every ditch in this City once every year, it's going to take additional manpower, but years ago this City used to have a problem with potholes, and it got to be such a problem it came to City Council. We don't have that problem anymore because of 1-800-POTHOLE and pretty much within 48 hours, I know there are exceptions, but pretty much that's taken care of. But, Councilmember Moody is right, there should never be a person that's flooded out of their home because a ditch wasn't cleaned, a pipe was too small, or drainage needed to be vacuumed out, those things we can do something about. Thank you, Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Mr. Mayor, I sure thank Councilmember Gregorie and Councilmember Wilson for their bright insight because we do need to do something about the flooding. I'm glad to hear him say that we hadn't raised a fee on stormwater in 11 years because I sat here 11 years before we raised it the first time. The reason we raised it that time,

we were at a meeting on Daniel Island, and Mayor Riley had to leave because, something, I think his mother-in-law was sick, so we decided we were going to do it that night. Now 11 years later, we're talking about raising the fee again. So, there's something about that 11/11, but he is correct, we need to do more to clean these ditches. I get calls all of the time from West Ashley for ditches needing to be cleaned. There's a lot of preventative maintenance on these pipes. Some of these pipes need to be cleaned. Like I said earlier, Laura just doesn't have the staff to do it. So, I think if we could raise the stormwater fee and do some other things, I think we could show the people in this City that we are serious about being the City Council that they want. What they want, they want basic services taken care of, and this is one of the basic service needs that they want to see done, and that's to prevent the flooding as much as we possibly can in the City. So, I thank you all for that great idea."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "So, I think that the question is, 'Where do we go from here?' I think that we're stating the obvious, that everybody who represents any portion of the City has a constituent or a neighborhood that complains about this, and I'm not sure where \$100 million comes out of or how that number just sort of pops up, but these are the two things that I heard tonight that we need to be addressing. One is looking at revenue, are there alternate means of raising revenue or increasing revenue or tapping into different revenue that we haven't tapped into before, and the second thing is, doing something along the lines of a comprehensive review or study as to our policy on open ditches. In my neighborhood of Northbridge, you don't have to go too far around to see the overgrown areas, and I'm dealing with a particular constituent who has a shed built over his neighbor's ditch which causes problems with flooding. So, maybe part of this discussion should be along the lines of to start exploring funding options and increasing fees, increasing millages, or tapping into things we haven't tapped into before this that are available. Two, maybe looking at our policy on open ditches and whether or not we need to be thinking about piping in these older subdivisions and the cost of doing that, but how that may play out in saving us time and money in expense at not having to reinvest resources on maintenance of that. So, I think we've got to keep the ball moving on this. This is a great discussion and a great opening, part of what we're dealing with tonight, but in order to get it going, let's keep those ideas in mind, and let's move down the road a little bit further."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I think that we're all sort of thinking and being creative here, and I think that that's what we're going to have to do, but I think Kathleen and I will make sure that this is just not a discussion. As time moves forward, we will be making formal recommendations to this body to take action because we talk about a lot of stuff, and then we just let it die on the vine and, Mayor, I know you have been taking notes up there, and some of what we've talked about, I'm sure you've been aware of. However, at this point, we want to try and move things a little further on because it is about the water in this City, and as I mentioned to you, it's always been my campaign's mantra, it's the water 'stupid' and we've got to get on it as quickly as possible."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you. Just really briefly, Mr. Mayor, and thank you, Councilmembers, for bring this up. It'll be a conversation we should be having every time

we meet. I agree, water is a big deal. A couple things we are doing that I think is just probably a good idea to keep in mind. In order to get to a place where a \$100 million is a start, if you believe what Mark Wilbert has told us, it's \$2 billion, could be more, it's a lot of money to protect our City tomorrow, the next day, and 50 years down the road. We need resources, not just in terms of money, but people seeking out those resources. In our budget next year, we have in there a full-time grant writer, something that we're going to need, we're going to need help from all over the place. A full-time grant writer can certainly be looking at that. We do not currently have on staff a full-time, 24/7 resiliency officer."

Mayor Tecklenburg said, "That's proposed for next year."

Councilmember Seekings continued, "That's coming next year. So, we will have some of those people in place to be doing what you bring up tonight and thinking about it all of the time, so it doesn't end up on the shelf and, speaking of ending up on the shelf, I just couldn't resist because you brought it up. We have, in fact, thought about head taxing people off the cruise ships. Now, that we've thought about it, we've adopted it as a policy of this Council, 13 to nothing, in the Tourism Management Plan. So, while it needs to be talked about, there's a source of revenue that this Council has endorsed 13 to nothing. There are plenty of others out there, we should leave no stone unturned, not pick on any one industry, but that's one that's getting a free pass. I mean, a free pass. So, congratulations on bringing it up, we're all going to be working on this, there's a lot of work to do. Like I said, \$100 million is a starting point. We're talking in the B-level. So, let's get behind the budget, and let's put people in place to implement the policies that you've just talked about. Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, but some of these action steps are going to involve our delegation, so they can actually get bills in committee for the January session. That's why good discussion is going to have to turn into action steps relatively soon because it's already the end of October. Anyway, we need to do more than have a good touchy, feely conversation tonight. We need action steps, in particular, with our delegation, because if we voted 13 to nothing, and you're right on that, we certainly didn't follow up with the delegation, because it didn't make it into Columbia in the form of a vote."

Mayor Tecklenburg said, "So, if I may, for just a minute, share a few things. Thank you, by the way, Councilmembers Gregorie and Wilson, for bringing up this matter. It's certainly something that affects every district in every part of the City, something that we all agree on, that needs intense efforts and that we have to look under every rock that we can find for funding for solutions, but I do want to point out a couple things. One of which is, City staff has been working on this matter diligently this year. As some of you may recall, they came to our workshop meeting in July, which was before the storm season this year. We had a three-hour presentation that Mark Wilbert had put together, after a meeting with all of our department heads, about taking our sea level rise strategies, which deal mostly with drainage and flooding, and prioritizing the things that we need to do moving forward. That's what I'm interested in, Councilmember Shahid, and all of you. I also wanted to point out and I appreciate, again, you bringing this to a discussion this evening, but this is part of what the City has been working on, trying to do for some years, before I even came along. A great example is the project on the Septima Clark Parkway on the drainage tunnel up there. It's about a \$170 million project which included funding from Federal funds through TIGER because that was involved with the roadway from State Infrastructure Bank Board funds, from TIF District funds, from our Gateway TIF District, from Drainage Bond millage, and from our stormwater fee. That one project

included funding sources from at least five of these different topics that you've mentioned this evening. So, a lot of this is project-driven. You can't apply for the TIF funding until you have a project in hand. You've got to be able to show whoever you're applying the grant for that you've got a specific shovel-ready project before they're ready to put funds into it. So, we have to prioritize the remaining projects that were left from the stormwater study from years ago. We have some new projects that we already know that we need to add that include the Church Creek drainage recommendations that we expect October 3<sup>rd</sup>, just week after next. Then, we also need to account, as you have all mentioned or many of you have mentioned, the maintenance aspect. Even if we get an \$8 million annual income stream that's dedicated to drainage and flooding, we've got to dedicate a certain portion of that to the guys that go out and clean the ditches and do all like that.

So, week before last, I was with those guys and, if you look down, Councilmember Riegel, along Bees Ferry going right from the Glenn McConnell, on the other side of the street, four guys were in there. I went down and spent a little time with them. They had chainsaws and completely cleared out that ditch. It was an amazing difference that they did, and we need to do more of it, but I'm just saying, we have to allocate a certain amount of the budget to maintenance. So, where do those funds come from? As I mentioned, we've used TIF funds before, we've used the Gateway funds for part of the Septima Clark project, and part of the Calhoun West Basin also hits the Gateway TIF District, Councilmember Seekings. We can use some future funds and that TIF District is like the district that keeps on giving. We can pull some funds from that TIF District. The Drainage Bond millage you've mentioned, it's at 4 mills now. I think a portion of that millage was allocated to the prior bond from about four or five years ago, and City Council will have to consider, between now and the time our budget is approved, whether we want to increase that millage. I think increasing the stormwater fee by, at least, what is allowable by law, is a no-brainer. The Cooper River TIF District funds, which we talked about at our budget meeting just last week and have already allocated \$3 million, we would put to drainage from that. The future WestEdge and West Ashley TIF Districts could support drainage projects in the future. Part of the West Ashley TIF District encompasses the DuWap area that the City and County are currently studying, as to specific projects that are to come. Hospitality funds we have, in fact, already been using, and that's where we've been allocating \$5 million a year to the Low Battery Seawall Project that we look to start in the next year. The General Fund for Capital Projects, we use reserve funds every year to go to Capital Projects. We've got to set some priorities as to which Capital Projects you want to assign or include some drainage there. I don't know if you all know this, but business license fees, we move \$500,000 every year from business license fees to our drainage fund. I think the LOST (Local Option Sales Tax) is a great idea, something we need to look at and, parking revenue, we're always trying to beef that up. Now, the matters that involve State approval, like one percent additional for accommodations tax or the head tax, we're going to need support, as you mentioned, from our legislators, and I would welcome your all's assistance in dealing with them.

So, here is kind of where I see it between now and the end of the year, we've got a budget to approve. We've got the Church Creek Drainage recommendations coming to us October 30<sup>th</sup>, and they'll have some specific projects. We know we need to address some projects in the Church Creek Basin. If you take that, together with a prioritization of those stormwater projects that never got done from the study that was done 30 years ago, we ought to come up with what I would call the Top Ten List of projects that we identify by the end of the year. That's going to force us into that equation of the millage, the stormwater fee, and what it's going to require of our citizens, really, to kind of balance the books, to make the most important projects go forward. Whether that's \$70 million or \$100 million, I don't know, but we'll be



figuring that out over the next couple of months. I thank you again because, you're right, we're all in this together and we've got to work on this collaboratively. Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I thank you for all of that. The information from the TIF Districts and all of that, obviously, I didn't mean to take away from that. In other words, this would be accretive towards that but, when we go back to the 1984 or 1986 study or whatever is approximately 40 years ago, less than 40 years, there was never, as I see it, a funding mechanism just to take care of ditches, increasing the pipes, and making sure of the right scope and the price, making sure that these drains in and around the Peninsula and elsewhere are sucked out on a regular schedule. We just didn't have the money to dedicate to hire the manpower to do it, that's the change. I don't want to take anything away from the TIFs. Obviously, the hospitality money that we've been socking away, \$5 million, we agree with that. We may need to do more, quite frankly, but houses are flooding, neighborhoods are flooding because ditches, in some cases, aren't cleaned and aren't large enough, and the pipes are too small. We spoke last meeting about King and Huger quite a bit with the Lowline and the combination. We all went out of here very happy from that unanimous vote. I wouldn't say we were high-fiving, but we all felt pretty good about it. That potential drainage solution has been there, the answer, since Davis and Floyd did that 1984 study. Ms. Cabiness told me in the study, I think right now we have a 24 or maybe a 36-inch pipe, that study had called for two culverts, four feet tall, and six feet wide. So, 4 by 12 getting water out of there. From 1984 to now, until the Lowline came along and a comprehensive discussion took place, that didn't happen. Now, obviously, the City could have paid for that. We've been in a position, special projects, we've done them great, but when it comes to that everyday meat and potato things, like a pothole, we can get there on ditches, increasing the pipes. That's the cheapest way to solve a flooding problem, a ditch, gravity flow, and the proper size pipes. We've got that all over the City, and we certainly got it all west of the Peninsula, not so much on Daniel Island because it's new, the right culverts and stuff are in. But, the special funding, the TIGER grants, I agree with all of that. It was a great out-of-the-box thinking for the Crosstown, but your idea about going to the Infrastructure Bank, that we just spoke about, potentially for monies to help with the wall again, is one of those out-of-the-box ideas that, I think, we all have to push in the right direction. So, just in this discussion tonight, we probably came up with three or four additional ways that we have not been pursuing. We have not pursued the LOST revenue as a potential solution. We have not pursued metering the Battery, we have not pursued, obviously, what you made mention of, potentially going to the Infrastructure Bank for the wall at the Battery. So, I certainly hope this can convert to action steps and, obviously, including our local delegation, so we can get something in front and start that tug-of-war conversation with Columbia to help out with some of this."

Mayor Tecklenburg said, "Alright. Thank you. Can we move on to the next one?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "One quick comment, and I know you have all seen it. As you drive around downtown or you drive down Savannah Highway, we see these landscapers blowing the leaves out into the street. It's like magic, they're going to disappear somewhere. Well, they disappear right down the drain, and I don't know why they think that's solving their problem rather than bagging them but, basically, it creates problems with our drainage system. You see them doing it all the time. I don't know how we stop that, but it seems to me like that

ought to be an issue up there somewhere. You don't have to spend any money to tell them to quit."

Councilmember Lewis said, "That's why we have Code Enforcement Officers a lot of times. That's why I always ask that question. They need to be out there more doing their job. If they do their job and start fining some of these people, we won't have that problem. Every other meeting for the last two years, we approved different Code Enforcement Officers, but that's one of the things they need to enforce. So, we've got a lot to look at. That could solve a lot of that problem."

Councilmember Gregorie said, "Mayor, I just have to say this. Our recommendations were not set forward to make light of what's already going on at all. Most of what you alluded to, most of the folks on this Council voted for. So, we're quite aware of it but, I think it's important for us to just try to identify additional ways to get to where we need to be. It is not going to require a priority listing for me to determine that the ditch needs cleaning and maintaining. I don't need that on a list. There are some things that are just very obvious, and so, when Kathleen and I have been having our discussions, we're trying to get at those things that are obvious that will not take a multi-hundred thousand dollar study to do, common sense approaches to the problems that we face on James Island. So, I don't want you to think that we're making light at all of what staff has already been doing. They know that, we've been a part of it. I don't want you at all to feel that that's what we were attempting to do. We're just trying to put something at the forefront that our constituents are telling us is needed."

Mayor Tecklenburg said, "Right. Thank you very much. Now, number two, is the discussion on the one-acre parcel remaining in the Gathering Place, Councilmembers Wilson and Gregorie, again."

Councilmember Wilson said, "I'll take this one for you. At any rate, we all remember the great Gathering Place debate, and it came to no good end in spite of best efforts. However, there is one parcel that remains that is undeveloped, and it's right in the front of The Standard. Some days there are rumors that the property owner, Mr. Luzuriaga, has it under contract and other days, not. What I would ask of my colleagues here is, we now have additional half-cent Greenbelt monies, and those monies are not apparently to be bonded the way the first round was, but spent on an accrual basis. I would like to talk with Colleen Carducci, and I would like to talk with Mike Schwartz from The Standard, and, potentially, even the Town of James Island and, of course, the City, and see if, perhaps, we can put together something to purchase that one acre. I believe the asking price, at least right now, it's a little under an acre, it's about .9 of an acre, is around a million dollars. I think that would add something going down to Maybank because it's going to be devastating when Core begins clearing that land for the second apartment complex, especially with all of the surface parking that's going in there. Again, not a good end, however, preserving that one acre, I think, would do a lot to break up the monotony, to break up the buildings, and would certainly preserve that remaining one acre. So, I would ask your support, as a Council, in moving forward with these various conversations and when I come back to you, I hope to come back to Councilmember Gregorie with something more tangible and, perhaps, see where we can cobble together this money. It's just like with the drainage issue, it needs to be cobbled together from various sources, but I think it would be something that would be beneficial to the Island after everything that has gone on with that particular tract of land. Dovetailing into Item number 3."

Councilmember Gregorie said, "Before you move on."

Councilmember Wilson said, "Yes, please do, I'm sorry."

Councilmember Gregorie said, "Because we've had the discussion, Mayor, on that piece of land, too. More than one of my Neighborhood Associations, Cross Creek and Lakeside, over a year, year and a half ago, wanted us to move forward with trying to get the City, or an intergovernmental effort, to acquire the land because, The Standard and, of course, the Core that's being built, have some issues with respect to impervious surfaces to say the least. I think that this tract of land would help us in that regard. In addition, it's really giving some nice public space to soften and balance that area, and the last thing we need is a restaurant there, Mayor. If we don't move fairly quickly, those are the kinds of things that it's zoned for. So, this is not one that we want to just sit on. We do need to move forward to try to see whether or not acquisition, multi-county, multi-jurisdiction, however, so that we can get that land, because it really would soften things. We're talking about, on that area, about ultimately 700 or more apartment units, and we've got to create a buffer there."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Correct me if I'm wrong, Mayor, but under this Greenbelt money that we've got now, it was allocated 30 percent urban, 70 percent exterior or outside."

Mayor Tecklenburg said, "That was the first half cent."

Councilmember Moody said, "Yes, and you all are trying to flip that?"

Mayor Tecklenburg said, "That's our recommendation."

Councilmember Moody said, "Right, but several Mayors are trying to move that to say, 'Okay, this might be a way that we can help some of this, to create more money that would be available for these kind of things.' I know you're pushing that, and I know there are four or five other Mayors, and I don't know who they are, that are pushing it also. So, maybe I would encourage you to keep pushing."

Mayor Tecklenburg said, "I can give you all a brief update. Jason Kronsberg, by the way, is representing the City. I've asked him to represent us on the Greenbelt Advisory Board. They've had a couple of meetings. The second, the new half cent, as Councilmember Moody mentioned, the first half cent had 70 percent rural and 30 percent urban. We've requested, just in our meeting with their consultant and their director, that they flip that. They had a meeting the other day and the consultant and the staff recommended to the Board that it be a 50/50 split. They didn't take a vote on it yet. They'll meet again in November and, hopefully, that matter will be resolved and, also, whether they will bond any of it or not. Those decisions haven't been finalized, so we don't know yet what our income stream is going to be, but I'm looking forward to them resolving it. I think the rural areas had their turn, they had their 70 percent, and I think I made a pretty good case to the folks that the urban areas need more. We need to be able to be flexible to spend it on existing property and park space that we own that hadn't been developed yet, and the idea that they would continue to buy conservation rights on basically private property without the public having use of the property, I think is just wrong. So, hopefully, going forward we'll get a little better income stream, but it may not be all at once, it may be over time, and so we just have to see what the Advisory Board brings. Then we can look at the Gathering Place property. I think it's a million and a quarter, \$1.25 million is the asking price for the property, and then the property you mentioned, it's on Harborview Road, right?"

Councilmember Wilson said, "Yes, that has a little, and that's why I bring these up, knowing that these discussions are going on with the Mayors and with the allocation of money, that's why I felt that it was the time to bring these up. This property along the James Island Connector has been a little more internal towards James Island, however, it's a parcel. If you come off the Connector onto Harborview, and you get on Harborview as though you're going down towards the cemetery, look off to the right, there is an access road, and there is a parcel on the corner. There is a pink food staffing house, and then there is a rectangular lot. That's the lot that I'm referring to. It's been on the market before, and actually, the Town of James Island did an appraisal for it. The landowner was not willing to sell for the appraised value. She felt it was worth more, but in looking at that property and looking how a critical line has changed over the years, that property is rapidly, if not already becoming completely undevelopable. It would be a real shame to try and cram houses on there, as it is zoned for Single-Family Residential, because they would all have to be up substantially high, and it would be unsightly. But this is, again, a really nice entryway to James Island coming off the Connector and would be a suitable purchase through Greenbelt funds, and a good addition to these small parks that we have and preserve that land. Charleston Water System is going to be purchasing, or they've already purchased, many of the houses in Harborview Circle that will become the expansion for that facility with offices and the like. They were very, very supportive about coming onboard as a potential partner with the purchase of the land and contributing a sizable sum to that purchase. So, that is something that's kind of an ace that we're holding right there, so the City would not be incumbent upon one body or another for the full purchase price. I need to bring these things up while the discussions are ongoing with the Mayors and let you all know that we hope that details will be forthcoming, and we may be coming to you for an ask."

Mayor Tecklenburg said, "Councilmember Wilson is correct. I think the City took a look at one of these properties before and had an appraisal done on the property, and the property owner wanted something like three times what the appraised value was, and so, at some point, you can't."

Councilmember Wilson said, "The property is once again for sale with the new listing agent, and I don't know whether the property owner has softened her stance or not. It merits a follow-up and asking."

Mayor Tecklenburg said, "Thank you very much. If there is no further discussion on those items, we will move on now to the Committee on Recreation, back to Chairman Gregorie."

Councilmember Gregorie said, "The Recreation Committee met on Thursday, October 19<sup>th</sup>. As most of you can see, it was a pretty extensive agenda. However, we did not get past a(i)."

There was laughter in the Chamber.

Councilmember Gregorie said, "I think we've already had extensive discussions on that."

Mayor Tecklenburg said, "Let's talk about it some more. Come on."

Councilmember Gregorie said, "We will have another meeting to discuss everything after that."

Councilmember Wilson said, "Two, maybe?"

Councilmember Gregorie said, "Yes."

-- INSERT RECREATION COMMITTEE REPORT --

(Information Only)

- a.) Parks Improvement and Expansion
  - i. MLK Pool Enclosure Proposal, Mechanical System and locker room renovation proposal with the Johnson Controls Energy Performance Contract Amendment
  - ii. Stoney Field
  - iii. WPAL Park
  - iv. Bender Street Park
  - v. Annual Playground Replacement Update
    - 1. Thomas Johnson
    - 2. Randolph Park
    - 3. Martin Park
    - 4. Lenevar
    - 5. Parkshore
    - 6. Forest Park
  - vi. Park House Maintenance Updates
  - vii. Ballfield Lighting Updates
    - 1. Bayview Soccer Complex
    - 2. Governors Park
  - viii. Greenway Paving Projects Review
  - ix. JI Rec Center Roofing Project
  - x. Daniel Island Recreation Center
  - xi. 2017 Annual Court Resurfacing Summary
  - xii. Herbert Hassel Pool Resurfacing schedule
  - xiii. WL Stevens Bulkhead Screen Repair Update
  - xiv. Preliminary (draft) report from Dover Kohl, in its Plan West Ashley study, for the creation of a Master Plan for recreation/parks.
- b.) Cultural Services – Cultural Plan
- c.) Natatorium
- d.) Swimming Facilities Discussion

Mayor Tecklenburg said, "We don't need to take any action on the Recreation Report. Committee on Public Works and Utilities."

Councilmember Waring said, "We had one item, Mr. Mayor, that was approved unanimously, and I so move."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Mitchell, City Council voted unanimously to adopt the Committee on Public Works and Utilities Report as presented:

---INSERT PUBLIC WORKS AND UTILITIES REPORT---

a.) **Acceptance and Dedication of Rights-of-Way and Easements:**

- **Sidewalk at Sam Rittenberg Blvd** – Approval to notify SCDOT that the City intends to accept maintenance responsibility for a 5-foot wide by 141-linear-foot long concrete sidewalk and two 5-foot by 13-linear-foot concrete sidewalk sections in conjunction with the Ashley Landing Outparcel Project (1319 Sam Rittenberg Blvd) within the SCDOT right-of-way at Sam Rittenberg Blvd (SC 7). Letter and map attached.
  - Letter
  - Map

Mayor Tecklenburg said, “Committee on Ways and Means.”

Councilmember Moody said, “Move for approval.”

Councilmember Gregorie said, “Second.”

Mayor Tecklenburg said, “Is there any discussion?”

No one asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Gregorie, City Council voted unanimously to adopt the Committee on Ways and Means Report as presented:

---INSERT WAYS AND MEANS REPORT---

(Bids and Purchases

(Budget Finance and Revenue Collections: Approval of Amendment IV to the 2001 Johnson Controls Energy Performance Contract for improvements to the energy and operational efficiency of City facilities. The scope of work includes improvements to 72 City facilities including but not limited to LED Interior Lighting Upgrades and Controls, Parking Garage Lighting Upgrades, R-22 Equipment Replacement, HVAC Building Controls Improvements, R-22 Chiller Replacements. Mechanical System Upgrades and Replacement, MLK New Pool Enclosure & Upgrades, Window Replacements at St. Julian Devine, and Distributed Energy Storage at Greenberg Municipal Complex. Approval of this contract gives the Mayor the authorization to enter into a Lease Purchase Agreement for approximately \$12.3 million that will be funded through \$17 million in cost avoidance over a 15 year term. **(DEFERRED)(Councilmember Gregorie voted nay.)**

(Fire Department: Approval to accept a SLED grant in the amount of \$68,000 for the Lowcountry Regional Collapse Search & Rescue Team-Charleston funds will be used to purchase safe head lamps, rescue helmets and repair and replace existing cache equipment for the SC Task Force Three. No City match is required.

(Office of Cultural Affairs: Approval to accept a subgranting grant award of \$9,491 from the SCAC. Project funds will support the Lowcountry Quarterly Arts Grants Program. Project dates are 7/1/17-6/30/18. A City match of \$9,491 is required. Matching funds will be budgeted in 2018.

- (Office of Cultural Affairs: Approval to accept a general operating support grant award of \$27,917. Project funds will be used for general operating support. Project dates are 7/1/17 – 6/30/18. A City match of \$83,751 is required. Matching funds will come from private donations and earned revenues.
- (Office of Cultural Affairs: Approval to accept a grant award of \$1,000 from the SCAC. Project funds will be used to support accessibility components of the 2017 MOJA Arts Festival. A City match of \$1,000 is required. The match will come from 2017 MOJA Arts Festival paid admissions.
- (Parks: Approval to submit the Keep South Carolina Beautiful's 2018 Palmetto Pride Grant Application in the amount of \$10,000, for Keep Charleston Beautiful to utilize for litter reduction events, litter education, and awareness programming and beautification efforts within the City of Charleston. No City match is required.
- (Parks-Capital Projects: Approval of the Charleston Fire Department 2016 FEMA Generator Grant Replacement Construction Contract with Metro-Dwellings, Inc. in the amount of \$405,404.99 for the removing of the existing undersized generators and providing new permanent generator sets capable of providing full power at stations 4/15, 5/10, 7 and 16. The project timetable is scheduled for 100 days. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council approved budget. The Construction Contract will obligate \$405,404.99 of the \$464,560.78 project budget. The funding sources for the project are: FEMA Hazard Mitigation Grant Funds (\$298,688), 2012 General Fund Reserves (\$50,000), 2013 General Fund Reserves (\$107,597.26) and 2015 General Fund Reserves (\$8,275.52). This work will remove and replace 4 existing generators currently beyond their service life and originally designed to provide a partial electrical load. The new generators will provide uninterrupted full backup power for 7 days and will be elevated to meet the flood code requirements.
- (Parks-Capital Projects: Approval of the Spring & Cannon Streetscape, Two-Way Conversion & Signalization Construction Contract Change Order #4 with AOS Specialty Contractors, Inc. in the amount of \$627,394.28 for the milling and resurfacing of Spring and Cannon Streets. Charleston County is contributing \$500,000 to the resurfacing cost from funding allocated in 2013/14 for the resurfacing of these streets on a reimbursable basis. The balance will come from project contingency. The total project budget will increase by \$500,000 and the contract time will increase by 60 days. Approval of Change Order #4 will increase the Construction Contract with AOS Specialty Contractors, Inc. by \$627,394.28 from \$4,193,007.57 to \$4,820,401.85. The funding sources for this project are: 2000 General Fund Reserves (\$300,000), Gateway TIF (\$5,852,128) and Charleston County (\$500,000).
- (Parks-Capital Projects: Approval of an increase to the WestEdge Parking Garage Constructability Review Purchase Order #138659 with Cumming Construction Management, Inc. in the amount of \$2,000. The original purchase order was issued in December 2015 in the amount of \$39,900 for professional services related to the constructability review of final drawings for the WestEdge Parking Garage. Due to construction delays and schedule revisions, the funding available under the purchase order has been exhausted and the additional funding is needed to complete the construction observation services. The approval of this increase to the purchase order will allocate an additional \$2,000 from funds budgeted for the WestEdge Parking Garage in the Parking Fund. **(Councilmember Lewis voted nay.)**
- (Parks-Capital Projects: Approval of the Volvo Tennis Stadium Miscellaneous Concrete Repairs Construction Contract with Strickland Waterproofing Company, Inc. in the amount of \$83,500 for the repair of various concrete cracks and spalls throughout the

tennis stadium. The funding source for general maintenance work at the Volvo Tennis Stadium is 2017 Hospitality Fund (\$150,000).

(Parks-Capital Projects: Approval of West Ashley Greenway Improvements – Parkdale to Croghan Landing Change Order #1 to the Construction Contract with Rakes Building and Maintenance Contractors, LLC dba Blutide Marine Construction in the amount of \$21,999.17 for additional base preparation as required for areas with less than 4" of base material in place, placement of additional 1" of asphalt on two 700 linear feet of path due to concerns about stability and an additional 30 tons of rip-rap and fill material required due to existing conditions at the Long Branch Creek portion of the trail. The total project budget remains unchanged. The contract time remains unchanged. The approval of this Changed Order will result in a \$21,999.17 increase to the Blutide Marine Construction Contract from \$537,812 to \$559,811.17. The funding sources for this project are: 2013 General Fund Reserves (\$700,000) and 2015 Charleston Transportation Committee "C" Funds (\$140,000).

(Parks-Capital Projects: Approval of West Ashley Greenway Improvements – Parkdale to Croghan Landing Change Order #2 to the Construction Contract with Rakes Building and Maintenance Contractors, LLC dba Blutide Marine Construction in the amount of \$61,470.48 for the lining of an existing 48" culvert and the stabilization of drainage infrastructure under the Greenway causeway that was undermining part of the trail. The total project budget remains unchanged. The contract time will increase by 15 days. The approval of the Change Order will result in a \$61,470.48 increase to the Blutide Marine Construction Contract from \$559,811.17 to \$621,281.65. The funding sources for this project are: 2013 General Fund Reserves (\$700,000) and 2015 Charleston Transportation Committee "C" Funds (\$140,000). This work is necessary due to damage caused by the high storm surge during Hurricane Irma.

**(DEFERRED)**

(Public Service: Approval of a professional services contract with Johnson, Laschober & Associates P.C. for up to \$250,000 to provide third-party plan review related to new development and redevelopment projects. This is necessary to maintain the level of service given with the varying number of development submittals received as part of the City's TRC process.

(Housing and Community Development: Mayor and City Council approval is requested to amend two contracts previously awarded in the amount of \$282,447 to Lowcountry Aids Services (LAS) and \$200,000 to Roper St. Francis Foundation (RSFF) in 2016-2017 Housing Opportunities for Persons with Aids (HOPWA) funds. The awards were approved by City Council, March 22, 2016. The Amendment commits an additional \$30,000 to each organization from prior year funds; increasing the contract to LAS to \$312,447 and to RSFF to \$230,000. Both organizations provide housing and related services to persons or households earning eighty percent (80%) and below the Area Median Income that have HIV/Aids. Funding for this Amendment is derived from prior year HOPWA funds awarded by the Department of Housing and Urban Development (HUD).

(An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2018.

(Authorize the Mayor to approve the Development Agreement for 13 Boyers Court, thus facilitating the closing on the property as per the Transfer Agreement dated August 26, 2016. The Development Agreement must be approved before a closing date can be scheduled. Redevelopment of the property may begin immediately after closing. (TMS: 463-12-02-070) **(DEFERRED)**

First reading was given to the following bill:



*An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2018.*

The vote was not unanimous. Councilmember Gregorie voted nay on Item 4 of the Committee on Ways and Means Report. Councilmember Lewis voted nay on Item 12 of the Committee on Ways and Means Report.

Mayor Tecklenburg said, "Next, is our bills up for second reading. We have, I think, four bills up."

Councilmember Moody said, "I move for approval of the first two annexations, K-1 and K-2."

Councilmember Riegel said, "I'll second that, Mr. Mayor."

Mayor Tecklenburg said, "K-1 and K-2, we have a motion to approve and a second, is there any discussion?"

No one asked to speak.

On a motion of Councilmember Moody, two (2) bills (Items K-1 and K-2) received second reading. They passed second reading on motion by Councilmember Riegel and third reading on motion of Councilmember Moody. On further motion of Councilmember Mitchell, the rules were suspended, and the bills were immediately ratified as:

- 2017-132** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 7 RIVERDALE DRIVE (0.26 ACRE) (TMS# 418-14-00-077), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 11. THE PROPERTY IS OWNED BY CHRIS STRAIGHT AND JENNIFER OUTLAW.
- 2017-133** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1320 N EDGEWATER DRIVE (0.66 ACRE) (TMS# 349-14-00-011), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 11. THE PROPERTY IS OWNED BY JOHN AND CATHERINE RAMA.

Mayor Tecklenburg said, "Next, is Item K-3, this was the parking matter, loading zone, breaking of meters, and residential parking districts."

Councilmember Seekings said, "So moved."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "We have a motion and a second, do we have any discussion?"

No one asked to speak.

On a motion of Councilmember Seekings, one (1) bill (Item K-3) received second reading. It passed second reading on motion by Councilmember Waring and third reading on motion of Councilmember Seekings. On further motion of Councilmember Mitchell, the rules were suspended, and the bill was immediately ratified as:

**2017-134** AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTION 242 TO FURTHER CLARIFY THE RULES FOR WHO IS ALLOWED TO PARK IN A LOADING ZONE, SECTION 256 TO PROHIBIT METER FEEDING, AND TO AMEND SECTIONS 266, 267, 270, 272, AND 280 TO ENACT NEW PARKING REGULATIONS FOR THE CITY'S RESIDENTIAL PARKING DISTRICTS. **(AS AMENDED)**

Mayor Tecklenburg said, "Now, we can go to K-4."

Councilmember Seekings said, "So move."

Mayor Tecklenburg said, "We've got a motion to approve, do we have a second?"

Councilmember Riegel said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

On a motion of Councilmember Seekings, one (1) bill (Item K-4) received second reading. It passed second reading on motion by Councilmember Riegel and third reading on motion of Councilmember Seekings. On further motion of Councilmember Riegel, the rules were suspended, and the bill was immediately ratified as:

**2017-135** AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, ARTICLE VIII, DIVISION 1, SECTION 234 TO CLARIFY THE RESTRICTION OF PARKING ON CERTAIN STREETS.

Mayor Tecklenburg said, "Next, is L-1 and L-2, they kind of go together, bills up for first reading. This might look a little ominous, but it's just to put into place what Council approved about a year ago when we approved for Accommodations use, right in the midst of the Septima Clark Parkway where the old Wendy's is, and the owner allowed a right-of-way to be given to the City for future alignment with Hagood Avenue to the Crosstown. That's what L-1 and L-2 are about."

Councilmember Lewis said, "Move for approval."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We've got a motion to approve, is there any discussion?"

No one asked to speak.

On a motion of Councilmember Lewis, seconded by Councilmember Gregorie, City Council voted to give first reading to the following bills:

*An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by revising Section 54-220 (B) (1) (E) (15) pertaining to limits on the number of rooms in facilities.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 221 Spring Street, 194 Cannon Street and adjacent zoned right-of-way (Peninsula) (approximately 2.379 acres) (TMS #460-10-04-011, 460-10-04-013) (Council District 6), be rezoned so as to be included in the Accommodations Overlay (A) classification designated as "A-7": 175 room maximum.*

Mayor Tecklenburg said, "That's on L-1 and L-2 together, and L-3 and L-4 are deferred. So, let me just finish signing up these things, and is there anything else to come before Council this evening?"

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Mayor, I just want to point out under Miscellaneous Business we have on here that the next meeting is November 14<sup>th</sup>."

The Clerk said, "The agenda was already done when we changed the meeting to the 13<sup>th</sup>, but you will not be here on the 14<sup>th</sup>, most of you will be in Charlotte."

Councilmember Shahid said, "So, we are meeting on the 13<sup>th</sup>?"

The Clerk said, "You're meeting on the 13<sup>th</sup>, and you should have an e-mail about it. Did everybody see their e-mail?"

Councilmember Lewis said, "We got it."

The Clerk said, "Okay, thank you."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Waring was excused from the Chamber at 7:49 p.m.

Councilmember Wagner said, "Yes, sir. Can I go back in time just about a month back to an original discussion we had back on August 15<sup>th</sup>, and it was titled at that time a discussion on our forfeiture of office should we move from the district. I want to go back there, if it's alright, and just have a quick say on it and see if we want to have this required public hearing. I'm saying that for several reasons. They're blowing up my phone, they're blowing up the e-mails, they're blowing up a whole bunch of stuff over in that area of town, and if I may."

Mayor Tecklenburg said, "Well, this would require amending the agenda to formally bring this up for discussion and adoption, so I would have to first have a motion to amend the agenda."

Councilmember Wagner said, "I would like to make that motion, sir, to bring this up."

Mayor Tecklenburg said, "Okay, do we have a second?"

Councilmember Seekings said, "Can I just make a comment?"

Mayor Tecklenburg said, "Do we have a second first?"

Councilmember Moody said, "I'll second it."

Mayor Tecklenburg said, "We have a second."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I didn't hear. I don't think Councilmember Wagner finished what he was going to say but, I predict, I know what he is going to say, and that is to request a hearing. I'm not sure we have to amend our agenda to do that. I went back and looked at the law today. I think that's something he can do in the regular course of business, and it has to be put on the agenda somewhere down the road. Amending an agenda to have a discussion about something that might be on an agenda somewhere down the road, I think, will take us in a path that we don't need to go. I think if there is some request to have something on an agenda, Councilmembers can do that. If it's specific under Section 2-19 of our Code which, I think, that's where he is going, it clearly states it can be on an agenda on a request with a week's notice."

Mayor Tecklenburg said, "Alright. If you make a request, we would be happy to put it on the next agenda for the next meeting. If you want to discuss it tonight, I feel like we need to amend tonight's agenda which will require a two-thirds vote. Is there any further discussion about the motion to amend the agenda?"

The Mayor called for the motion to amend the agenda.

On the motion of Councilmember Wagner and seconded by Councilmember Moody, City Council considered amending the agenda to continue the discussion regarding residency requirements for Councilmembers.

The motion failed 6 to 5 because it did not meet the two-thirds requirement. Councilmembers White, Mitchell, Wagner, Gregorie, Moody, and Wilson voted in favor of the motion. Councilmember Waring was not present for the vote.

Mayor Tecklenburg said, "I know we didn't get two-thirds on that, but who voted aye?"

The Clerk said, "The nays have it."

Councilmember Seekings said, "I have a question. Amend the agenda to do what? That's what I'm not really clear on."

Mayor Tecklenburg said, "I heard Councilmember Wagner say he wanted to ask for a reconsideration by Council of having a . . ."

Councilmember Wagner said, "Of the residency requirement."

Mayor Tecklenburg said, "Of the residency requirement. So, that would take some action of Council, which I view as being a change in our agenda."

The Clerk said, "It's an amendment to the agenda."

Councilmember Seekings said, "I thought his request was to have this put on an agenda to have a hearing."

The Clerk said, "No, you can do that just as you said, Councilmember."

Councilmember Wagner said, "Yes, to amend the agenda tonight is what I had asked for but . . ."

The Clerk said, "That's what we understood. So, what Councilmember Seekings said is correct. Many of you call us during the week when we're working on the agenda and ask that we put something on, and we do. Once the agenda is published, it's an amendment to the agenda. That should also be in the Code."

Mayor Tecklenburg said, "So, who voted aye just for the record? The motion failed."

The Clerk said, "There were four ayes."

Mayor Tecklenburg said, "Five."

The Clerk said, "Councilmember Waring was away from his desk."

Mayor Tecklenburg said, "Okay."

The Clerk said, "I got four. I got Councilmember White, Councilmember Wagner, Councilmember Gregorie, and Councilmember Moody."

Mayor Tecklenburg said, "Councilmember Wilson."

The Clerk said, "Councilmember Wilson, I didn't see your hand."

Mayor Tecklenburg said, "Councilmember Mitchell, did you vote 'aye'?"

Councilmember Mitchell said, "I just voted 'aye'."

The Clerk said, "Okay, you voted 'aye' now, Councilmember?"

Mayor Tecklenburg said, "Okay."

Councilmember Seekings said, "I'm still trying to figure out what we're voting on. I'm not clear, to put it on the agenda for discussion?"

The Clerk said, "I think this is to amend the agenda, isn't it? For discussion."

Councilmember Seekings said, "To just have a discussion?"

The Clerk said, "If you amend the agenda, it is in the Code. We have done this many times. If you amend the agenda, then you get a two-thirds vote to amend the agenda after it's published."

Councilmember Seekings said, "No, I understand that, I just want to know what we're amending it to do."

The Clerk said, "Okay. Well, I can't answer your other questions."

Councilmember Seekings said, "If it's to have a discussion, then we can have a discussion, but if it's to do any more than to have a discussion . . ."

The Clerk said, "Councilmember Wagner can answer that question."

Mayor Tecklenburg said, "I heard him say that he wanted Council to take some action tonight on the matter."

Councilmember Wagner said, "No, sir. I wanted to continue the discussion because on the 15<sup>th</sup> of August it was really late, and this is why I'm wanting to talk about it. It was very late. It was like 10:00 at night, we had been there four hours and 22 minutes according to the tape, plus we had had three hours of Committee meetings before that. We were ready to go home and get something to eat. Anyway, that's the reason I want to discuss it. We heard from Councilmember Riegel, Councilmember Shahid, Councilmember Moody, and Councilmember Rodney Williams, but nowhere did we ever get to a point to where we could say something to the effect of, 'Do we want to have this public hearing or not?'. That's kind of what I wanted to talk about just for about five minutes of your all's time tonight, and then if you all want to go vote, we will throw a motion out there to have it, but I just want to set my record straight because I'm getting blown up."

Mayor Tecklenburg said, "Well, just a point of order, just as we had three items on the agenda tonight to discuss a \$100 million drainage plan and two other pieces of property, they were properly requested through the Clerk's Office and put on the agenda."

Councilmember Waring returned to the Chamber at 7:52.

Councilmember Wagner said, "6 of 11 is not enough, so, I will hush."

Mayor Tecklenburg said, "Is there any other business to come before us tonight?"

Councilmember Wagner said, "I would request that it comes on the agenda next time."

The Clerk said, "Councilmember White has a question."

Councilmember Seekings said, "Yes, I do too."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I've actually gotten quite a few inquiries, as well, which is the reason I'd like to really finish the discussion which, quite frankly never, in my opinion, was fully vetted here but, just to clarify, if it's your will to have it on the agenda as a Councilmember, you can request to have it added to the next Council meeting's agenda. So, now, I think it would be the appropriate time to go ahead and state that you would like to have it on the agenda."

Councilmember Wagner said, "I would love to have it on the next agenda."

Mayor Tecklenburg said, "Done."

There was laughter in the Chamber.

Councilmember Wagner continued, "That way Ms. Darlington won't waste a perfectly good article."

Mayor Tecklenburg said, "That's right. Done, it will be on the next agenda. Is there any other business to come before us tonight?"

Councilmember Shahid said, "Move to adjourn."

Mayor Tecklenburg said, "Hearing none, we stand adjourned. Thank you."

There being no further business, the meeting was adjourned at 7:53 p.m.

Vanessa Turner Maybank  
Clerk of Council